

JEFFREY BENJAMIN, P.C.

118-21 Queens Blvd., Suite 501
(The Pickman Building)
Forest Hills, NY 11375
(718) 263-1111
(718) 425-0692 (Fax)
E-mail: jbenjamin@nyfraudlaw.com

*Admitted NY, NJ

March 4, 2016

Via ECF

Hon. Frank P. Geraci, Jr.
Chief United States District Judge
U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: Horn v. Medical Marijuana Inc. Et al.
Index No.: 15-CV-701-FPG

Dear Judge Geraci:

This office represents the plaintiffs in this matter. The Court has issued an Order to Show Cause to dismiss regarding the only party not served and not joined in this matter: Dixie Botanicals. I herein request the Court not dismiss said party at this time.

Since filing the case in August, 2015, our different addresses for Dixie Botanicals have turned up invalid. Since the filing we retained process servers to attempt service at all the corporate addresses we listed on the Summons. It appears however that we did not provide a separate Summons for Dixie Botanicals for issuance by the Court though we believed its address to be identical to that of co-defendant.

We later also learned that on or around February 11, 2015 co-defendant Medical Marijuana Inc. acquired Dixie Botanicals. We have also determined through our process server that Medical Marijuana Inc. moved its offices about four to six weeks ago from 2665 Arian Drive, Suite 207, San Diego, CA 92117, where we recently attempted to serve Dixie Botanicals. Co-defendant Medical Marijuana Inc. just now filed its Answer February 22, 2016 by counsel for it and Red Dice Holding. It did not file an answer on behalf of the entity Dixie Botanicals.

As such, I respectfully request the Court not dismiss Dixie Botanicals from this case until such time that it can be determined that the entity either does not exist, or that defendant Medical Marijuana Inc. is or is not responsible for liability of Dixie Botanicals.

As such, plaintiff respectfully requests a 30-day extension of time to serve Dixie Botanicals, and the Court allow plaintiff to obtain an issued Summons from the Court.

Very truly yours,

/s/ Jeffrey Benjamin, Esq.

JB/ag